

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IRIS JANE GROSS,

Plaintiff,

vs.

HOUSING AUTHORITY OF CITY  
LAS VEGAS, *et al.*,

Defendants.

Case No. 2:11-cv-01602-JCM-CWH

**ORDER**

This matter is before the Court on Defendant Southern Nevada Regional Housing Authority's ("Defendant") Motion to Compel (#157), filed September 18, 2014. Defendant seeks an order compelling non-party Nevada State Welfare to comply with a subpoena issued under Fed. R. Civ. P. 45. Both the motion and underlying subpoena are procedurally deficient. The case number in the caption of the motion is listed as "2:11-cv-1602-ECR-CWH." The initials "ECR" refer to the Honorable Edward Reed, who recently passed away. Shortly after Judge Reed's passing, the case was reassigned to the Honorable James C. Mahan as the presiding district judge. (#23). The caption also identifies the Honorable Robert C. Jones as the Chief United States District Judge for the District of Nevada. The current chief judge for the District of Nevada is the Honorable Gloria M. Navarro.

In addition to these errors, and more importantly, the underlying subpoena Defendant seeks to enforce does not comply with the basic procedural requirements of Fed. R. Civ. P. 45. Rule 45 requires every subpoena to "state the court from which it issued" and "set out the text of Rule 45(d) and (e)." Fed. R. Civ. P. 45(a)(1)(i), (iv). The subpoena issued by Defendant's counsel to non-Party Nevada State Welfare (attached as exhibit F) indicates that it issued from the state of Nevada. It also attaches excerpts from Nevada Rules of Civil Procedure 45, not Federal Rule of Civil Procedure 45. Consequently, the motion to compel will be denied without prejudice to Defendant

1 reissuing a subpoena under the appropriate rules. Defense counsel is advised that Rule 45 forms are  
2 available on the Court's website. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant Southern Nevada Regional Housing  
4 Authority's ("Defendant") Motion to Compel (#157) is **denied without prejudice**.

5 Dated: October 14, 2014.

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8 C.W. Hoffman, Jr.  
United States Magistrate Judge  
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